

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARVIN JOHNSON,)	
)	
Plaintiff(s),)	No. C06-4217 MMC (BZ)
)	
v.)	
)	ORDER GRANTING FURTHER
CITY AND COUNTY OF SAN)	DISCOVERY
FRANCISCO, et al.,)	
)	
Defendant(s).)	
_____)	

Plaintiff's motion to compel discovery came on for hearing on August 31, 2007. Both sides were represented by counsel. The court having reviewed all papers filed in connection with the motion and having heard arguments of counsel, for the reasons given during the hearing, **IT IS ORDERED** as follows:

1. The San Francisco Giants shall produce for deposition in accordance with Federal Rule 30(b)(6), the person most knowledgeable about

(a) The preparation and maintenance of the database produced to plaintiffs which is Exhibit F to Mr. Leigh's declaration (the database).

1 (b) Why the database was discontinued, as it appears to
2 have been after 2003.

3 (c) The e-mail which is Bates-stamped number SFG0000376
4 and is part of Exhibit H to Mr. Leigh's reply declaration (the
5 e-mail).

6 2. The Giants shall produce Officers Ganster and Murphy
7 to respond to the foundational questions asked during their
8 depositions and to such follow up questions as plaintiff may
9 ask consistent with the views announced by the court at this
10 and previous hearings about the scope of permissible
11 discovery. Defendants are cautioned that close questions
12 about the scope of discovery should be resolved in favor of
13 answering the question and later moving to strike the answer,
14 given existing time constraints.

15 3. Mr. Sweet shall ascertain whether the documents
16 constituting Exhibit O to Mr. Leigh's declaration pertain in
17 any fashion to the defendant Dino Marcic and so notify counsel
18 for plaintiff with a copy to the court by noon on **Tuesday,**
19 **September 4, 2007.** If they do, then the Giants shall provide
20 the person most knowledgeable about those documents as part of
21 the deposition ordered in paragraph 1.

22 4. The Giants shall produce Mr. Bair and Mr. Costa for
23 further deposition with respect to the database and the
24 e-mail. If the Giants wish, they may combine these two
25 depositions with the 30(b)(6) deposition on these same
26 documents.

27 5. Further 30(b)(6) deposition of Lieutenant McEachin is
28 **DENIED** without prejudice to being renewed if the 30(b)(6)

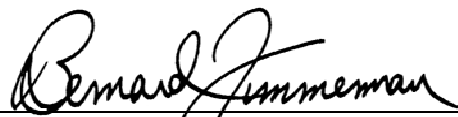
1 deposition of the Giants discloses City participation in the
2 preparation of the database.

3 6. These depositions shall be completed by **Friday,**
4 **September 7, 2007.**

5 7. Except as so granted, plaintiff's motion is otherwise
6 **DENIED.**

7 A separate order will follow on the question of whether
8 preclusionary sanctions against the Giants will issue for the
9 30(b)(6) deposition with respect to their affirmative
10 defenses.

11 Dated: August 31, 2007



Bernard Zimmerman
United States Magistrate Judge

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